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OFFICE OF PETITIONS

In re Application of
Stefan Pfab
Application No. 09/486,908
Filed: May 11, 2000
Attorney Docket No.: P00.0365
Title: DATA STORAGE DEVICE

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a)¹, filed September 19, 2002, which is properly treated a petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment.

The petition is **GRATNED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed September 21, 2001, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 22, 2001. A Notice of Abandonment was mailed on June 12, 2002.

Petitioner asserts that this non-final Office action was not received.

A review of the official file reveals that on January 8, 2001, petitioner submitted a change of address, which was neither entered nor made of record. It is further noted that both the non-final Office action and the Notice of Abandonment were mailed to the former address.

¹ A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(l);
- (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

For these reasons, it is decided that the non-final Office Action of September 21, 2001 was never received by Petitioner.

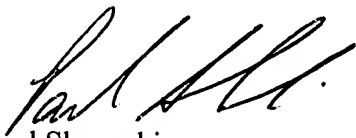
In view thereof, the petition under 37 CFR §1.181(a) is GRANTED. The holding of abandonment is hereby **WITHDRAWN**.

As the petition under 37 CFR §1.181(a) has been granted, the petition under 37 CFR §1.137(a) is not required. If the petitioner wishes to have the \$110.00 petition fee refunded, he should submit a request for refund to the Office of Finance². A copy of this decision should accompany any such request.

The Change of Correspondence Address has been entered and made of record.

The application is being forwarded to Technology Center 2100 for re-mailing of the non-final Office Action.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Paul Shanoski
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

² The Refund Branch processes all customer requests for refunds. It generally takes four to six weeks for a request to be processed and a check generated. All requests for refund should be sent to: Commissioner of Patents and Trademarks, Box 17, Washington, DC 20231. Office hours are Monday - Friday from 8:30 AM to 5:00 PM. To check the status of a request that has been filed please contact the Refund Branch directly at 703-305-4229.